

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PATRICK MOORE,

X

Index No.:
Date Purchased:

SUMMONS

Plaintiff,
-against-

BOY SCOUTS OF AMERICA, GREATER NEW YORK
COUNCILS, BOY SCOUTS OF AMERICA, and
MANHATTAN COUNCIL, BOY SCOUTS OF
AMERICA,

Plaintiff designates New York
County as the place of trial.

The basis of venue is one
defendant's residence.

Child Victims Act Proceeding
22NYCRR 202.72

Defendants.

X

To the above-named Defendants:

YOU ARE HEARBY SUMMONED to answer the Verified Complaint in this action, and to serve a copy of your Answer, or, if the Verified Complaint is not served with this summons, to serve a Notice of Appearance, on the Plaintiff's attorney(s) within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York
August 20, 2019



ROBERT CANNATA
GREGORY J. CANNATA & ASSOCIATES, LLP
Attorneys for Plaintiff
PATRICK MOORE
60 East 42 Street, Suite 932
New York, New York 10165
(212) 553-9205

Defendants' Addresses:

Boy Scouts of America
1325 W. Walnut Hill Lane, # S406
Irving, Texas 75038

Greater New York Councils, Boy Scouts of America
475 Riverside Drive, Room 600
New York, NY 10115

Manhattan Council, Boy Scouts of America
475 Riverside Drive, Room 600
New York, NY 10115

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
PATRICK MOORE,

Plaintiff,

-against-

BOY SCOUTS OF AMERICA, GREATER NEW YORK
COUNCILS, BOY SCOUTS OF AMERICA, and
MANHATTAN COUNCIL, BOY SCOUTS OF
AMERICA,

Defendants.

-----X
Index No.:
Date Purchased:**VERIFIED COMPLAINT****Child Victims Act Proceeding**
22 NYCRR 202.72

Plaintiff, by his attorneys, **GREGORY J. CANNATA & ASSOCIATES, LLP**,
complaining of the Defendants, respectfully alleges, upon information and belief that:

INTRODUCTION

1. This Verified Complaint is based on the childhood sexual abuse of Plaintiff PATRICK MOORE (hereinafter "Plaintiff"), caused by the negligent, willful, wanton, reckless, and tortious acts of Defendant BOY SCOUTS OF AMERICA (hereinafter "BSA"), Defendant GREATER NEW YORK COUNCILS, BOY SCOUTS OF AMERICA (hereinafter "GREATER NEW YORK COUNCILS"), Defendant MANHATTAN COUNCIL, BOY SCOUTS OF AMERICA (hereinafter "MANHATTAN COUNCIL"), and Frederick Sigmund Jr. (hereinafter "Sigmund").

2. This Action is brought pursuant to the Child Victims Act, CPLR 214-g and 22 NYCRR 202.72.

PARTIES

3. At the time of the alleged sexual abuse mentioned herein, Plaintiff was a resident of New York County in the State of New York.

4. Plaintiff is now a resident of Montgomery County, Pennsylvania.
5. Plaintiff was born in 1952, and at all times relevant hereto, Plaintiff was a minor in New York County and a scout/member in the BSA.
6. At the time of the alleged sexual abuse mentioned herein, Defendant BSA was a foreign not-for-profit corporation with its principal place of business in the County of Middlesex, State of New Jersey, but authorized to do business and doing business in the State of New York through various local and regional Boy Scout organizations and councils.
7. Defendant BSA is currently a foreign not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of Texas, with its principal place of business in the County of Dallas, State of Texas.
8. At all times hereinafter mentioned, Defendant GREATER NEW YORK COUNCILS was and is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York.
9. At all times hereinafter mentioned, Defendant GREATER NEW YORK COUNCILS was and is doing business in the State of New York
10. At all times hereinafter mentioned, Defendant GREATER NEW YORK COUNCILS maintained its principal place of business in the County of New York, State of New York.
11. At all times hereinafter mentioned, Defendant MANHATTAN COUNCIL was and is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York.
12. At all times hereinafter mentioned, Defendant MANHATTAN COUNCIL was and is doing business in the State of New York

13. At all times hereinafter mentioned, Defendant MANHATTAN COUNCIL maintained its principal place of business in the County of New York, State of New York.

14. At all times hereinafter mentioned, Sigmund was a resident of New York County.

15. Upon information and belief, Sigmund died in 2014.

FACTS

16. Defendant BSA creates, operates, promotes, oversees, guides, set standards, and establishes policies, protocols, rules, regulations, and procedures for youth organizations, nationally through various local, state, and regional organizations, known as councils.

17. Defendant BSA's goal is to train youth in responsible citizenship, character development, and self-reliance through participation in a wide range of outdoor activities, educational programs, and at older age levels, career-oriented programs in partnership with community organizations. For younger members, the Scout method is part of the program to instill typical Scouting values such as trustworthiness, good citizenship, and outdoor skills, through a variety of activities such as camping, aquatics, and hiking nationally through various local, state, and regional Councils.

18. Defendant BSA grants charters to local Councils to operate and conduct Boy Scout activities within their geographic area.

19. At all times hereinafter mentioned, Defendant BSA granted charters to Defendants GREATER NEW YORK COUNCILS and MANHATTAN COUNCIL to operate and conduct Boy Scout activities within their geographic areas.

20. Councils, in turn, are directly responsible for the creation, operation, control, maintenance, and supervision of Scouting units, known as Troops.

21. At all times hereinafter mentioned, Defendants GREATER NEW YORK COUNCILS and MANHATTAN COUNCIL created, operated, controlled, maintained, and supervised Troop 639, which at all times hereinafter mentioned, was located in the County of New York, State of New York.

22. Troop 639, like all Boy Scout troops, was at all relevant times an agent of Defendant BSA.

23. Troop 639, like all Boy Scout troops, was at all relevant times created, operated, controlled, maintained, and supervised by Defendant BSA.

24. At all times hereinafter mentioned, Defendants acted by and through their agents, representatives, volunteers, employers, and/or servants.

25. At all times hereinafter mentioned, Defendants authorized, approved, ratified, and selected adults to serve as Scoutmasters of troops.

26. At all times hereinafter mentioned, Defendants were responsible for investigating, hiring, retaining, directing, and supervising adults to serve as Scoutmasters.

27. Upon information and belief, in 1965, Defendants, acting by and through their duly authorized agents, representatives, volunteers, employees, and/or servants selected, accepted, ratified, approved, and authorized Sigmund to be Scoutmaster of Troop 639.

28. At all times hereinafter mentioned, Sigmund was the Scoutmaster of Troop 639.

29. At the time hereinafter mentioned, Sigmund was over 18 years of age.

30. At all times hereinafter mentioned, Sigmund was selected, accepted, ratified, approved, and authorized by the Defendants to serve in his capacity for the purpose of educating, instructing, and training young boys, including Plaintiff, in morality, patriotism, and various life skills.

31. At all times hereinafter mentioned, Sigmund served and acted as a duly authorized and ratified agent, employee, servant, representative, and/or volunteer of the Defendants, and was subject to the authority, direction, and control of the Defendants.

32. At all times hereinafter mentioned, Sigmund, as a Scoutmaster and agent, employee, volunteer, servant, and representative of Defendants, acted within the scope of his employment.

33. Plaintiff joined the Boy Scouts, Troop 639, in 1964, and remained in Troop 639 until 1965.

34. At all times hereinafter mentioned, as a member of Troop 639, Plaintiff was engaged in Boy Scout related activities, and was under the custody, care, and control of Sigmund.

35. At all times hereinafter mentioned, for the purposes of furthering his duties as a Scoutmaster, Sigmund sought and gained Plaintiff's trust, friendship, admiration, and obedience.

36. At all times hereinafter mentioned, Plaintiff was conditioned to comply with Sigmund's direction and looked at him as an authority figure.

37. Plaintiff was sexually abused by Sigmund in 1965 when Plaintiff was 12 years old.

38. In 1965, using the power, authority, and trust of his position as a Scoutmaster and availing himself of the Defendants' representations to parents and scouts that the Boy Scouts was a moral and safe place for young boys, Sigmund enticed, induced, directed, coerced, and forced Plaintiff to engage in sexual acts with him, in violation of Article 130 of the New York State Penal Law.

39. Thereafter, using the power, authority, and trust of his position as a Scoutmaster and availing himself of the Defendants' representations to parents and scouts that the Boy Scouts was a moral and safe place for young boys, Sigmund attempted to entice, induce, direct, coerce,

and force Plaintiff to engage in sexual acts with him, in violation of Article 130 of the New York State Penal Law.

40. During that same period of time, Defendants knew, or should have known, that Sigmund routinely sexually abused Boy Scouts.

41. During that same period of time, Defendants knew, or should have known, that Sigmund interacted with Boy Scouts without any other adult supervision.

42. Prior to and at the time of Sigmund's abuse of Plaintiff, Defendants knew or should have known of numerous sexual assaults committed by its Scoutmasters, including sexual assaults committed by Sigmund.

43. Prior to and at the time of Sigmund's sexual abuse of Plaintiff, Defendants failed to take steps to protect Plaintiff from abuse by Sigmund.

44. Prior to hiring Sigmund, Defendants, their agents, or employees failed to properly screen and investigate Sigmund, so as to discover his propensity for sexual misconduct and abuse of children, his lack of qualifications to serve in his capacity as was appointed by Defendants, and the danger he posed to children in his charge, including Plaintiff.

45. Upon information and belief, not only were the Defendants aware of Sigmund's and other Scoutmasters sexual abuse of children, but it participated in covering up such acts, putting additional children in harm's way.

46. Sigmund was arrested and indicted in 1966 on various counts of sexual abuse.

47. Sigmund was convicted of various counts of sexual abuse in 1967.

48. As a result of Sigmund's conduct, Plaintiff has sustained serious and permanent physical, psychological, and emotional injuries.

49. As a result of Sigmund's wrongful acts, Plaintiff was required to seek medical care, incurred medical expenses, and will require future treatment, the amount which is unknown at this time.

50. This action falls within one or more of the exceptions set forth in CPLR § 1602.

51. Pursuant to CPLR §1602(2)(iv), defendants are jointly and severally liable for all of Plaintiff's damages, including but not limited to Plaintiff's non-economic loss, irrespective of the provisions of the CPLR §1601, by reason of the fact Defendants are vicariously liable for each other's negligent acts and omissions and/or that of others who caused or contributed to Plaintiff's damages.

52. Pursuant to CPLR §1602(7), Defendants are jointly and severally liable for all of Plaintiff's damages, including, but not limited to, Plaintiffs' non-economic loss, irrespective of the provisions of CPLR §1601, by reason of the fact Defendants acted with reckless disregard for the safety and welfare of others, including Plaintiff herein.

53. Pursuant to CPLR §1602(11), Defendants are jointly and severally liable for all of Plaintiff's damages, including, but not limited to, Plaintiff's non-economic loss, irrespective of the provisions of CPLR §1601, by reason of the fact Defendants acted knowingly or intentionally, and in concert, to cause the acts of failures upon which liability is based.

AS AND FOR A FIRST CAUSE OF ACTION: NEGLIGENCE

54. That at all times hereinafter mentioned, Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs 1 through 53 with the same force and effect as if fully set forth herein.

55. Defendants failed to properly investigate Sigmund prior to being hired as Scoutmaster of Troop 639.

56. Defendants failed to properly supervise Sigmund as Scoutmaster of Troop 639.

57. As a result of Sigmund's wrongful acts, Plaintiff has sustained serious and permanent physical, psychological, and emotional injuries.

58. The aforementioned wrongful acts were performed negligently and recklessly by Defendants.

59. The wrongful acts of Sigmund were willful, malicious, intentional, and were committed with full knowledge that they constituted a crime and that they would cause permanent physical and emotional harm to Plaintiff.

60. Defendants are liable for Sigmund's sexual abuse under the doctrine of respondeat superior.

61. By reason of the foregoing, Plaintiff demands judgment against all Defendants, in a sum exceeding the jurisdictional limits of all the lower courts.

**AS AND FOR A SECOND CAUSE OF ACTION: INTENTIONAL INFILCTION OF
EMOTIONAL DISTRESS**

62. That at all times hereinafter mentioned, Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs 1 through 61 with the same force and effect as if fully set forth herein.

63. At the time of Sigmund's misconduct and sexual abuse, he was acting at the direction of, and with authority invested in him by Defendants, and was otherwise acting in the course and scope of his employment by Defendants.

64. Therefore, Defendants are liable for Sigmund's conduct under the doctrine of respondeat superior.

65. The sexual abuse of Plaintiff, when he was a minor, was extreme and outrageous, beyond all possible bounds of decency.

66. In abusing Plaintiff, Sigmund intended to cause, or disregarded the substantial probability of causing, severe emotional distress.

67. Although Defendants knew or should have known that Sigmund was a danger to children, they failed to prevent Sigmund from sexually abusing Plaintiff.

68. Defendants permitted Sigmund to abuse his position as Scoutmaster and acted wantonly, recklessly, and with complete disregard for the consequences to Plaintiff and others.

69. Because of Defendants' actions, Plaintiff suffered severe physical, psychological, and emotional injury.

70. By reason of the foregoing, Plaintiff demands judgment for intentional infliction of emotional distress against all Defendants, in a sum exceeding the jurisdictional limits of all the lower courts.

AS AND FOR A THIRD CAUSE OF ACTION: NEGLIGENT INFILCTION OF

EMOTIONAL DISTRESS

71. That at all times hereinafter mentioned, Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs 1 through 70 with the same force and effect as if fully set forth herein.

72. That at all times hereinafter mentioned, Sigmund was hired or otherwise retained, appointed, or employed by Defendants.

73. The position for which Sigmund was employed required him to work closely with children, such as Plaintiff.

74. Defendants owed a duty to minors entrusted to their care, and Defendants, through their hiring, appointment, and/or retention of Sigmund as a Scoutmaster for Troop 639, held Sigmund out as a role model for young boys who could be safely trusted.

75. Defendants had a duty to exercise due care in hiring, retaining, and supervising Scoutmasters, in order to prevent dangerous individuals, such as Sigmund, from children involved in the Boy Scouts.

76. Defendants breached their duty by negligently hiring, appointing, retaining, supervising, and directing Sigmund, and in failing to protect Plaintiff from Sigmund.

77. As a result of Defendants' negligence, Plaintiff was sexually abused by Sigmund.

78. The sexual abuse of Plaintiff, when he was a minor, caused him to fear for his own safety, unreasonable endangered Plaintiff's physical safety, and caused severe emotional distress, including physical, psychological, and emotional injury.

79. By reason of the foregoing, Plaintiff demands a judgment for negligent infliction of emotional distress against Defendants in a sum exceeding the jurisdictional limits of all the lower courts.

AS AND FOR A FOURTH CAUSE OF ACTION: PUNITIVE DAMAGES

80. That at all times hereinafter mentioned, Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs 1 through 79 with the same force and effect as if fully set forth herein.

81. The actions of Defendants herein were malicious, willful, and grossly negligent.

82. The conduct of Defendants was done with the utter disregard as to the injuries that would ensue and with depraved indifference to the health and well being of children, and to the fact that Defendants knowingly subjected children, including Plaintiff, to sexual predators.

83. Defendants, by and through their agents and representatives, conspired to cover up incidents of sexual abuse of minors by Scoutmasters, including Sigmund, and to prevent disclosure, prosecution, and civil litigation including but not limited to: failing to report incidents of childhood sexual abuse to law enforcement or child protection agencies; denying reports of abuse that were substantiated; aiding criminal child molesters in evading detection, arrest, and prosecution; allowing pedophiles to cross state and international borders for purposes of gaining access to uninformed parents' children, whom they could sexually abuse; failing to warn; and failing to seek out and redress the injuries its adult Scoutmasters had caused.

84. Based on these actions, Defendants, by and through their agents and representatives, conspired for the unlawful purpose of concealing and suppressing information on the danger that Sigmund posed to unsuspecting children.

85. Upon information and belief, Defendants engaged in a plan of action to cover up incidents of the sexual abuse of minors by Scoutmasters and prevent disclosure, prosecution, and civil litigation, including but not limited to: failing to report incidents of abuse to law enforcement or child protection agencies; concealing abuse they had substantiated and failing to seek out and redress the injuries its Scoutmasters and leaders had caused; and failing to advise local scouting agencies of the rampant problem of sexual abuse of scouts by Scoutmasters and leaders and that Defendants' Ineligible Volunteer Files was ineffective at curbing the problem.

86. Based on these actions, the Defendants engaged in fraudulent concealment.

87. As a result of Defendants conduct that was wanton, reckless, malicious, and a conscious indifference and utter disregard of its effect on the health, safety, and right of others, Plaintiff is entitled to recover punitive damages in the amount to be determined by the finder of fact.

88. By reason of the foregoing, Plaintiff demands judgment for punitive damages against all Defendants, in a sum exceeding the jurisdictional limits of all the lower courts.

WHEREFORE, Plaintiff demands judgment against the Defendants herein on all causes of action, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York
 August 20, 2019

Yours, etc.



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VERIFICATION

Robert Cannata, an attorney duly admitted to practice before the courts of this State, affirms the following to be true under the penalties of perjury:

That I am the attorney for plaintiff herein; that I have read the foregoing VERIFIED COMPLAINT and know the contents thereof, and that upon information and belief, believe the matters alleged therein to be true.

The reason this verification is made by deponent and not by plaintiff is that the plaintiff presently resides in a County other than the one in which plaintiff's attorneys maintain their office.

Deponent further says that the source of deponent's information and the grounds for deponent's belief as to all matters not stated upon deponent's knowledge are from investigations made on behalf of said plaintiff.

DATED: New York, New York
August 20, 2019



ROBERT CANNATA